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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,334	05/12/2005	Jean-Max Huet	MART0890US	3598
24235 7590 05/13/2008 LEVINE & MANDELBAUM 444 MADISON AVENUE			EXAMINER	
			BOUCHELLE, LAURA A	
35TH FLOOR NEW YORK, NY 10022			ART UNIT	PAPER NUMBER
			3763	
			MAIL DATE	DELIVERY MODE
			05/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/562,334	HUET, JEAN-MAX	
Office Action Summary	Examiner	Art Unit	
	LAURA A. BOUCHELLE	3763	
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with the	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING ID. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. Failure to reply within the set or extended period for reply will, by statuly Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO .136(a). In no event, however, may a reply be tid d will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	N. mely filed n the mailing date of this communication. ED (35 U.S.C. § 133).	
Status			
 Responsive to communication(s) filed on 17 I This action is FINAL. Since this application is in condition for allowated closed in accordance with the practice under 	is action is non-final. ance except for formal matters, pr		
Disposition of Claims			
4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-8 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/a	awn from consideration.		
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	ccepted or b) objected to by the edrawing(s) be held in abeyance. Section is required if the drawing(s) is ob	ee 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list 	nts have been received. nts have been received in Applicat ority documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal I 6) Other:	oate	

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DETAILED ACTION

Amendment after final filed 3/17/08 has been fully considered and found to be persuasive. The finality of the previous action has been withdrawn. A new action on the merits follows.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1, 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huet (EP 1116493) in view of MacGregor (US 4579120). Huet discloses an anti-stick device comprising a needle 17 having a bend, a needle holding panel F, a base panel C, a covering panel A, walls, E,B, the base panel and the needle holding panel having holes 15, 16 to receive the needle, the base panel having branches D, and the needle holding panel having lugs 9, 10. See Fig.1. The device functions in the same manner as applicant's invention. See Figs. 1-10.
- 3. Claim 1 differs from Huet in calling for the base panel and the needle holding panel to be curved. Macgregor teaches a device for anchoring a catheter on a patient's skin wherein the device is formed with a curve so that it can conform to the contours of the patient's body to stabilize the catheter and increase patient comfort (Col. 3, lines 45-46). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Huet to include a curved base and needle holding panel in the same manner as the device of MacGregor is curved so that they conform to the patient's body to increase stability of the needle and thus patient comfort.

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4. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huet in view of MacGregor as applied to claim 1 above, and further in view of Knotek (US 5531704). Claim 2 differs from Huet in calling for the device to include a hard plastic material on the first pair of branches on the base panel. Knotek teaches a needle puncture protection device have a panel configuration similar to that of Huet but further including a hard plastic portion 30 that maintains the needle in the safety position (Sol. 7, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Huet to include a hard plastic portion as taught by Knotek that ensures that the needle stays within the safety enclosure to prevent accidental sticks.

Response to Arguments

5. Applicant's arguments, see pages 2-6, filed 3/17/08, with respect to the rejection(s) of claim(s) 1-8 under Knotek have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Huet (EP 1116493).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA A. BOUCHELLE whose telephone number is (571)272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura A Bouchelle Examiner Art Unit 3763

/L. A. B./ Examiner, Art Unit 3763

/Nicholas D Lucchesi/ Supervisory Patent Examiner, Art Unit 3763